From:	Stephen Best
To:	Jack Dunn; Russell Mengel; David Logan; Andy Magallon; Shane Armstrong; Stephen Best
Cc:	Daniel Cohen
Subject:	Flock LPR data- DA discovery requests
Date:	Thursday, October 13, 2022 1:58:45 PM
Attachments:	Automated License Plate Readers ALPRs (Update 092221).pdf Example of Screen capture via snipping.jpg FLOCK - EDR ANGEL MONIQUE CASTILLO.pdf Example of Alert image download.jpg

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Commander Dunn, Lt. Mengel, Sgt. Logan and Sgt. Magallon (Flock supervisors)
Melissa from Property says she has received several requests recently from the District Attorney's office for Discovery Requests regarding Flock notifications. There has not been any Flock data booked on the cases.
The most recent request specifics are:
Officer wrote he was on patrol and "…I received a FLOCK notification of a stolen vehicle (description) traveling eastbound on Grant from Vine. (Officer's name) and I then began to patrol the area of Miller and Donovan when we located the vehicle traveling southbound on Miller from Donovan."
No evidence was booked in the case.

Our policy states, "All ALPR data will be kept on the cloud for 30-days, and thereafter will be purged unless it has
become, or it is reasonable to believe it will become, evidence in a criminal or civil action or is subject to a discovery request or other lawful action to produce records. In those circumstances, the applicable data should be downloaded from the cloud and booked into evidence." (Also see attached)

Shane and my understanding of how the Standard Operating Procedures for Flock data has been up to now is as follows:

1. Stolen vehicles/Felony Wants/Amber Alerts are entered into CLETS. After Flock obtains the data, it will notify all users when a Flock Camera sees the plate of the wanted vehicle. Patrol treats this as a notification, similar to a citizen or dispatch telling them the vehicle was seen in a place at a time. Patrol will confirm the plate reported by Flock is the same plate observed in the photo and verify with Dispatch the Want is still valid. They will then check the area and attempt to locate the vehicle. If located and recovered, the officer will write a report articulating the notification and the Want will be removed from CLETS. The officer does not book anything from the Flock notification.
2. A criminal investigation involves a vehicle. The officer conducts a "Search" or plate "Look up" for Flock images related to the case. The officer should download the images and a spreadsheet showing the different results and book that as evidence as part of the investigation.

Issues/Concerns:
Do the "notifications" need to be documented via a download/screen capture/dispatch log? (Policy appears to say it does)
Is there an SOP for documentation? (both for alerts and investigative searches)
(Scenario example: Officer has 836/487 PC for a subject. He has WC enter subject's plate in Flock. Flock camera records suspect's vehicle's plate and sends notification. Officer stops suspect and

arrests him and finds guns and drugs. WC removes plate from Flock. The Flock notification was the PC for the stop.)
What did the alert notification say?

Possible solutions:
Shane and I discussed this and agree the Flock notifications are the Probable Cause for the stop/contact and should be thoroughly documented (Download of the image and screen capture of what the "Alert" said)

The current Flock "Alerts" allow a direct upload to Evidence.com (which we don't have currently) or the download of only the photo from the "Alert" (which contains the camera name, date/time and GPS…example attached). The officer would need to screen capture the text of the Alert.

Shane and I will submit a suggested improvement to Flock to allow a one click download of the full "Alert" info.

Add wording to the policy similar to the MAV policy 422.6 (ie "If any enforcement contact or detention is made as a result of a Flock notification and a report is completed, the Flock notification information shall be documented in the officer's narrative and the Flock notification shall be downloaded and screen captured and booked as evidence.)

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